

Thomas Jefferson to Albert Gallatin, October 29, 1803, from The Works of Thomas Jefferson in Twelve Volumes. Federal Edition. Collected and Edited by Paul Leicester Ford.

TO THE SECRETARY OF THE TREASURY J. MSS. (ALBERT GALLATIN.)

October 29, 1803.

I must ask the favor of you to meet the heads of Departments here to-morrow at 12 o'clock and afterwards to dine with us. The object is to decide definitely on the arrangements which are to be despatched westwardly the next day. General Dearborn and myself had concluded to submit to the meeting a plan little different from that suggested in your letter of yesterday. To wit, to send orders to Claiborne and Wilkinson to march instantly five hundred regulars (which are prepared) from Port Adams, and one thousand militia from the Mississippi Territory (if the information from Laussat to them shall indicate refusal from Spain). To send hence on the same day a call on the Governor of Tennessee for two thousand volunteers, and of Kentucky for four thousand, to be officered, organized, accoutred, and mustered on a day to be named, such as that Claiborne and Wilkinson might by that day send them information whether they would be wanted, and to march or do otherwise accordingly. I had since thought myself to propose that, on receiving information that there would be resistance, they should send sufficient parties of regulars and militia across the Mississippi to take by surprise New Madrid, St. Genevieve, St. Louis, and all the other small posts, and that all this should be made as much as possible the act of France, by including Laussat, with the aid of Clark, to raise an insurrectionary force of the inhabitants, to which ours might be only auxiliary. But all this, with much more, is to be considered to-morrow. Affectionate salutations.¹

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1 On the subject of Louisiana, Jefferson further wrote to Gallatin:

“Nov. 9, 1803.

“The memoranda you inclosed me from Mr. Clarke deserve great attention. Such articles of them as depend on the executive shall be arranged for the next post. The following articles belong to the legislature.

“The administration of justice to be prompt. Perhaps the judges should be obliged to hold their courts weekly, at least for some time to come.

“The ships of resident owners to be naturalized, and in general the laws of the U. S., respecting navigation, importation, exportation &c., to be extended to the ports of the ceded territory.

“The hospital to be provided for.

“Slaves not to be imported, except from such of the U. S. as prohibit importation.

“Without looking at the old territorial ordinance, I had imagined it best to found a government for the territory or territories of *lower* Louisiana on that basis. But on examining it, I find it will not do at all: that it would turn all their laws topsy turvy. Still I believe it best to appoint a governor & three judges, with legislative powers; only providing that the judges shall form the laws, & the governor have a negative only, subject further to the negative of a national legislature. The existing laws of the country being now in force, the new legislature will of course introduce the trial by jury in *criminal* cases, first; the habeas corpus, the freedom of the press, freedom of religion, &c., as soon as can be, and in general draw their laws and organization to the mould of ours by degrees as they find practicable without exciting too much discontent. In proportion as we find the people there riper for receiving these first principles of freedom, congress may from session to session confirm their enjoyment of them.

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“As you have so many more opportunities than I have of free confidence with individual members, perhaps you may be able to give them these hints to make what use of them they please. Affectionate salutations.

“P. S. My idea that upper Louisiana should be continued under its present form of government, only making it subordinate to the national government, and independent of lower Louisiana. No other government can protect it from intruders.”